19567. Adulteration of celery. U. S. v. 350 Crates of Celery. Product ordered released under bond to be reconditioned. (F. & D. No. 27724. I. S. Nos. 52020, 52021. S. No. 5812.)

Arsenic having been found on celery taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On February 8, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 350 crates of celery, remaining in the original unbroken packages at Stevens Point, Wis., alleging that the article had been shipped in interstate commerce by the Peppers Fruit Co., Compton, Calif., on or about January 11, 1932, to Chicago, Ill., that it had been reconsigned to Stevens Point, Wis., on or about February 1, 1932, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it injurious to health.

A. L. Shafton and Peter Slomowitz, copartners, trading as A. L. Shafton & Co., Stevens Point, Wis., entered an appearance and claim for the property, executed a bond in the sum of $1,000, and petitioned release of the goods upon the condition that claimant pay costs and that it should not be disposed of in violation of the law. On February 15, 1932, the court ordered that the celery be delivered to the claimant upon the condition that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act. Subsequently proof having been submitted to the court that the celery had been reconditioned so as to remove all traces of arsenic, the bond was ordered exonerated.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19568. Misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, $300. (F. & D. No. 26674. I. S. No. 25018.)

This action was based on the interstate shipment of a quantity of butter in cartons labeled as containing 1 pound, in which practically all of the cartons were found upon examination to contain less than the declared weight.

On November 27, 1931, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sugar Creek Creamery Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about May 11, 1931, from the State of Missouri into the State of Illinois of quantities of butter that was misbranded. The article was labeled in part: (Carton) "Sugar Creek Butter * * * Full Weight One Pound * * * Sugar Creek Creamery Co. * * * Danville, Ills;" (parchment wrapper) "One Pound Net Weight."

It was alleged in the information that the article was misbranded in that the statements "Full Weight One Pound" on the carton, and "One Pound Net Weight" on the parchment wrapper, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser; since the cartons did not contain 1 pound of the article, but did contain in each of practically all of the cartons, less than 1 pound of butter.

On March 11, 1932, a plea of guilty to count I of the information, embracing the above charge, was entered on behalf of the defendant company and the court imposed a fine of $300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19569. Misbranding of wheat and rye middlings and screenings. U. S. v. Gwinn Bros. & Co. Plea of guilty. Fine, $200. (F. & D. No. 26675. I. S. Nos. 18351, 18359.)

This action was based on the interstate shipment of two lots of wheat and rye middlings and screenings. Samples of both lots were found low in protein and samples from one of the lots was also low in fat. The label of the article purported to declare the ingredients, but failed to declare the corn products, which examination showed present.

On October 7, 1931, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Gwinn